

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEPHEN LAKNER,

Case No.

Plaintiff,

Hon.

-VS-

HOME DEPOT U.S.A, INC.,

Defendant.

/

**NOTICE OF FILING REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

PLEASE TAKE NOTICE that, pursuant to 28 USC §1441, Defendant, Home Depot, U.S.A., Inc., hereby files with the Clerk of the Court a copy of its Notice of Removal, attached hereto, and which was filed with the United States District Court, Eastern District of Michigan, Southern Division on September 15, 2021.

PLUNKETT COONEY

/s/Ridley S. Nimmo, II

RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 East Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010
rnimmo@plunkettcooney.com

CERTIFICATE OF ELECTRONIC FILING

Ridley S. Nimmo, II certifies that a copy of the Removal documents and this Certificate of Electronic Filing was electronically filed with the United States District Court, Eastern District of Michigan, Southern Division, in the above cause on September 15, 2021. A copy will be provided to counsel of record via email at elias@muawadpc.com and via electronic filing through MiFile, Wayne County Circuit Court's electronic filing system. I declare under the penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 East Court Street, Suite 1B
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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
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STEPHEN LAKNER,

Case No.

Plaintiff,

Hon.

-VS-

HOME DEPOT U.S.A, INC.,

Defendant.

/

**NOTICE OF REMOVAL FOR CAUSE TO THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

NOW COMES Defendant, Home Depot, U.S.A., Inc., a foreign corporation [hereinafter “Defendant”], by and through its attorneys, Plunkett Cooney, and pursuant to 28 U.S.C.A. §§ 1332, 1441 and 1446, hereby files this Notice of Removal of the above-captioned matter to the United States District Court for the Eastern District of Michigan, Southern Division from the Wayne County Circuit Court where the action is now pending and states as follows:

1. The above-captioned matter was filed in Wayne County Circuit Court on or about July 30, 2021, and is now pending in that court.
2. Defendant first received a copy of the Summons and Complaint in this matter on or about August 16, 2021.

3. The above-captioned matter is a suit at common law of a civil nature brought by the Plaintiff Stephen Lakner, in which the Plaintiff seeks monetary damages as a result of Defendant's alleged negligence.

4. The above-captioned matter involves a controversy which is wholly between citizens of different states in that at the time of the commencement of this action in Wayne County Circuit Court, the Plaintiff was a citizen of the State of Michigan, and the Defendant Home Depot, U.S.A., Inc., was, and still is, a foreign corporation under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia.

5. This action is one over which the District Courts of the United States are given original jurisdiction.

6. The time within which Defendant is required to file this Notice of Removal to Federal Court has not yet expired.

7. According to the allegations in Plaintiff's Complaint, Plaintiff seeks to recover monetary damages in connection with alleged injuries sustained as a result of Defendant's alleged negligence.

8. According to Plaintiff's Complaint, attached as Exhibit A, Plaintiff seeks to recover damages in excess of \$25,000, exclusive of interest and costs in this matter, for injuries Plaintiff alleges are disabling and ongoing. Further, Plaintiff's counsel has advised that he cannot stipulate that the amount in

controversy is less than \$75,000.00 and that the amount in controversy is presently in excess of the same.

9. Defendant files with this Notice a copy of all process, pleadings and orders served upon Defendant in this action (See Exhibit A).

10. This action is removable to this Court under and by virtue of the acts of Congress of the United States.

11. Defendant has served written notice of the filing of this Notice as required by 28 U.S.C.A. § 1446(d).

12. A copy of this Notice will be filed with the Clerk of the Wayne County Circuit Court, as required by 28 U.S.C.A. § 1446(d).

WHEREFORE, Defendant respectfully requests that it may effectuate removal of this action from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division and that this action proceed in this Court as an action properly removed.

Respectfully submitted,
PLUNKETT COONEY

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010

Dated: 9/15/21

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

STEPHEN LAKNER,

Case No. 21-009327-NO

Plaintiff,

Honorable Dana Margaret Hathaway

vs.

HOME DEPOT U.S.A., INC.,

Defendant.

LAW OFFICES OF ELIAS MUAWAD, P.C.
ELIAS MUAWAD (P41632)
Attorney for Plaintiff
40700 Woodward Avenue, Suite 305
Bloomfield Hills, MI 48304
(248) 594-4700
(248) 594-4701 fax
elias@muawadpc.com

PLUNKETT COONEY
RIDLEY S. NIMMO, II (P54783)
Attorney for Defendant
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rnimmo@plunkettcooney.com

NOTICE OF FILING REMOVAL
WITH THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1441, Defendant, Home Depot U.S.A., Inc., hereby files its Notice of Removal, a copy of which is attached hereto and which was filed with the United States District Court, Eastern District of Michigan, Southern Division, September 15, 2021.

PLUNKETT COONEY

Dated: 9/15/21

/s/ Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010
rnimmo@plunkettcooney.com

CERTIFICATE OF SERVICE

CHRISTINE KNOTTS, being first duly sworn, deposes and says that she is employed by PLUNKETT COONEY, and that on September 15, 2021 she served a copy of Notice of Filing Removal, supporting documents and this Certificate of Service upon all counsel of record by electronically filing the foregoing paper with the Clerk of the Court using the MiFile system which will send notification of such filing. Further, I declare that the above statements are true to the best of my knowledge, information and belief.

/s/ Christine J. Knotts
CHRISTINE J. KNOTTS

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEPHEN LAKNER,

Case No.

Plaintiff,

Hon.

-VS-

HOME DEPOT U.S.A, INC.,

Defendant.

/

APPEARANCE

PLEASE ENTER my Appearance as attorney in the above-entitled matter
for the named Defendant, Home Depot U.S.A., Inc.

Respectfully submitted,

PLUNKETT COONEY

Dated: 9/15/21

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 E. Court Street, Suite 1B
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CERTIFICATE OF ELECTRONIC FILING

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/s/Ridley S. Nimmo, II
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